THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 10960 of 1997

DATE: 13-02-2007

Between :

B.Ganapathi

... Petitioner

And

The District Collector,
Chittoor and 3 others.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 10960 of 1997

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents 3 and 4 in attempting to dispossess the petitioner from the premises bearing Dr.No.7-42(1) situated in Nethaji Street, Kuppam, Chittoor District is arbitrary and illegal.

This Court, while directing Rule Nisi, by order dated
20-05-1997 directed stay of demolition of the structure in question.

In the counter affidavit filed on behalf of the Mandal Revenue Officer, Kuppam, it is stated that the building in question was constructed encroaching upon the road poramboke belonging to the Department of Roads and Buildings. Hence, it is necessary to remove the portion of encroachment. It is also stated that the petitioner is only a tenant of the premises in question.

Be that as it may, since the possession of the petitioner is not disputed, it is appropriate to dispose of the writ petition with a direction to the respondents not to demolish the structure in question without following due process of law. It is made clear that in case the public road is encroached, it is always open to the respondents to take appropriate steps following due process of law. No costs.

G. ROHINI, J.

Dt. 13-02-2007
KLP